

Article - Public Utilities

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§27–102.

(a) In Montgomery County and Prince George’s County, the county executive and county council may adopt regulations concerning the Commission’s entry into or use of a public roadway for which a permit is required.

(b) The regulations adopted under this section:

(1) shall be adopted after consultation with the Commission;

(2) may include provisions for the review and approval of the required permits to be issued by the Commission under § 27–108 of this title for the construction or location of pipes, conduits, tracks, lines, poles, or facilities of a public utility in the public roadways of the county;

(3) subject to reasonable provisions for control by the county of the construction, disturbing, or repair of the public roadway, may not:

(i) be administered so as to constitute a taking of a franchise right that a public service company or a utility company has in a public roadway; and

(ii) divest the Commission of its right to use a public roadway for the installation of a Commission facility;

(4) subject to this title, may not prohibit the installation in a public roadway of a facility being constructed by the Commission to provide service to the sanitary district in the other county; and

(5) may not be inconsistent with this title.

(c) (1) The review and approval procedures authorized by subsection (b)(2) of this section:

(i) may require review and approval by the county before the Commission issues the permit; and

(ii) may not result in any cost to the Commission or to the public utility.

(2) A permit issued by the Commission under § 27–108 of this title is not effective unless the appropriate county approves the permit.

(d) (1) The Commission:

(i) shall give a county advance notice of the date, time, and extent to which the Commission plans to cut into a public roadway, sidewalk, or other public property of the county; and

(ii) if required by a regulation adopted under this section, shall:

1. submit a copy of proposed construction plans to the county before construction begins; and

2. apply for and obtain a permit from the county at no cost to the Commission.

(2) The county shall promptly process the Commission's permit application.

(3) The issuance of a permit under this section constitutes approval of the Commission's proposed construction as specified in the permit.

(4) If the construction under this section is an emergency, the Commission shall notify the appropriate county as soon as practicable after the cut.

(e) On prior notice, the county may:

(1) make all necessary final repairs to restore property to a condition satisfactory to the county; and

(2) charge all costs for the final repairs to the Commission or to the public utility that made the entry on the property.

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